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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/509,946	04/22/2005	Jeffrey Scott Callander	259749US6PCT	4981
22850	7590 07/07/2006		EXAMINER	
•	IVAK, MCCLELLAN	NELSON JR, MILTON		
	1940 DUKE STREET ALEXANDRIA, VA 22314			PAPER NUMBER
			3636	
			DATE MAIL ED. 07/07/0006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/509,946	CALLANDER, JEFFREY SCOTT				
Office Action Summary	Examiner	Art Unit				
	Milton Nelson, Jr.	3636				
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
2a)⊠ This action is FINAL . 2b)☐ This	1) Responsive to communication(s) filed on <u>18 April 2006</u> . a) This action is FINAL . 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
•	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) ⊠ Claim(s) 10-19 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 10-19 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.					
Application Papers		,				
9) ☐ The specification is objected to by the Examine 10) ☑ The drawing(s) filed on 10/4/04 is/are: a) ☐ acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) ☐ The oath or declaration is objected to by the Ex	cepted or b) \boxtimes objected to by the drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary					
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate atent Application (PTO-152)				

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 10, Applicant sets forth a curved surface. It is unclear how the three planar surfaces (see Figure 1) of the resting member are representative of a curved surface. A planar surface lacks curved surfaces. A curved surface lacks straight surfaces. Claiming the surfaces as curved, while showing the surfaces as planar is contradictory and geometrically inaccurate. Remaining claims are indefinite since each depends from an indefinite claim.

Claims 10-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. The recitation of a length of the curved surface being within an arc of 25-30 degrees of the curved surface (claim 10) represents new matter. The recitation of the supporting member contacting the curved surface along substantially the entire length of the arc (claim 14) represents new matter. The recitation of the distance from the first end of the first planar surface to the second end of the third planar surface being located within an arc of from 25-30 degrees (claim 15) represents new matter. The recitation of the support member contacting the first and third planar surfaces along substantially their entire length (claim 18) represents new matter. These recitations are not supported by the originally filed specification. Remaining claims are indefinite since each depends from an indefinite claim.

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Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a length of the curved surface being within an arc of 25-30 degrees of the curved surface (claim 10), the supporting member contacting the curved surface along substantially the entire length of the arc (claim 14), the distance from the first end of the first planar surface to the second end of the third planar surface being located within an arc of from 25-30 degrees (claim 15), and the support member contacting the first and third planar surfaces along substantially their entire length (claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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Response to Amendment/Arguments

Applicant's response filed April 18, 2006 has been fully considered. Remaining issues are described in the above sections. In their present form, the claims have not been rejected in view of the prior art of record, however, indefiniteness under the first paragraph of 35 U.S.C. 112 is present throughout the claims. The drawings are also objected to under 37 CFR 1.83(a).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571)

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alternate Fridays, 5:30-3:00 EST.

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272-6861. The examiner can normally be reached on Monday-Wednesday, and

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Milton Nelson, Jr. Primary Examiner

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mn June 27, 2006